

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	James F. Holderman	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	04 C 6214	DATE	December 28, 2004
CASE TITLE	ANDREW CORP vs. BEVERLY MANUFACTURING CO		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

- (1) ☐ Filed motion of [use listing in "Motion" box above.]
- (2) ☐ Brief in support of motion due _____.
- (3) ☐ Answer brief to motion due _____. Reply to answer brief due _____.
- (4) ☐ Ruling/Hearing on _____ set for _____ at _____.
- (5) ☐ Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) ☐ Trial[set for/re-set for] on _____ at _____.
- (8) ☐ [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).
- (10) ☒ [Other docket entry] Defendant's third affirmative defense is stricken. Plaintiff's motion to strike defendant's third affirmative defense is moot.
- (11) ☐ [For further detail see order (on reverse side of/attached to) the original minute order.]

No notices required, advised in open court.	U.S. DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS 2004 DEC 28 PM 4:47	number of notices	Document Number 20
No notices required.		DEC 29 2004 date docketed	
<input checked="" type="checkbox"/> Notices mailed by judge's staff.		<i>[Signature]</i> docketing deputy initials	
<input checked="" type="checkbox"/> Notified counsel by telephone.		12-28-04 date mailed notice	
Docketing to mail notices.		<i>[Signature]</i> mailing deputy initials	
Mail AO 450 form.	Date/time received in central Clerk's Office		
Copy to judge/magistrate judge.			
JS <i>[Signature]</i> courtroom deputy's initials			

04 C 6214

Defendant Beverly Manufacturing Company, ("Beverly"), filed its answer, affirmative defenses and counterclaim on November 18, 2004. (Dkt. No. 12.) Beverly's third affirmative defense asserted that "this court lacks personal jurisdiction over Beverly Manufacturing due to insufficiency of service of process." (Dkt. No. 12 at 6.) Plaintiff Andrew Corporation ("Andrew"), filed a motion to strike Beverly's third affirmative defense on November 29, 2004. (Dkt. No. 16.) Andrew's motion noted that Beverly had admitted that the court had personal jurisdiction over Beverly in this matter when Beverly answered the complaint. (Dkt. No. 12 at 2). Beverly stated in its response to Andrew's motion to strike that Beverly will "voluntarily withdraw its third affirmative defense." (Dkt. No. 19.)

Consequently, Beverly's Third Affirmative Defense asserting that "this court lacks personal jurisdiction over Beverly Manufacturing due to insufficiency of service of process" is stricken. Andrew's motion to strike (Dkt. No 16), is moot.